

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENDA T. BROWN,

Plaintiff,

CIVIL CASE NO. 07-14473

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.
_____ /

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

Now before the Court are the parties' cross-motions for summary judgment and the Report and Recommendation of Magistrate Judge Donald A. Scheer, filed on June 11, 2008. The magistrate judge's report and recommendation recommended Plaintiff's motion for summary judgment be denied and that Defendant's motion for summary judgment be granted. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge

Scheer's report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #14] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment [docket entry#8] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment [docket entry #13] is **GRANTED**.

SO ORDERED.

Dated: July 9, 2008

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on July 9, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:
Janet L. Parker; Mikel E. Lupisella; Commissioner of Social Security, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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